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SENATE BILL NO. 334

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact §§ 15.2-1800, 15.2-1813, and 15.2-2109 of the Code of Virginia, relating to conveyances of interests in real property; public hearing required.

 Patron—Roem

 Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1800, 15.2-1813, and 15.2-2109 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1800. Purchase, sale, use, etc., of real property.

A. A locality may acquire by purchase, gift, devise, bequest, exchange, lease as lessee, or otherwise, title to, or any interests in, any real property, whether improved or unimproved, within its jurisdiction, for any public use. Acquisition of any interest in real property by condemnation is governed by Chapter 19 (§ 15.2-1901 et seq.). The acquisition of a leasehold or other interest in a telecommunications tower, owned by a nongovernmental source, for the operation of a locality's wireless radio communications systems shall be governed by this chapter.

B. Subject to any applicable requirements of Article VII, Section 9 of the Constitution, any locality may sell, at public or private sale, exchange, lease as lessor, mortgage, pledge, subordinate interest in or otherwise dispose of its real property, which includes the superjacent airspace (except airspace provided for in § 15.2-2030) which may be subdivided and conveyed separate from the subjacent land surface, provided that no such real property, whether improved or unimproved, shall be disposed of until the governing body has held a public hearing concerning such disposal. However, *except as otherwise required in subsection C*, the holding of a public hearing shall not apply to (i) the leasing of real property to another public body, political subdivision or authority of the Commonwealth or (ii) conveyance of site development easements, or utility easements related to transportation projects, across public property, including, but not limited to, easements for ingress, egress, utilities, cable, telecommunications, storm water management, and other similar conveyances, that are consistent with the local capital improvement program, involving improvement of property owned by the locality. The provisions of this section shall not apply to the vacation of public interests in real property under the provisions of Articles 6 (§ 15.2-2240 et seq.) and 7 (§ 15.2-2280 et seq.) of Chapter 22.

C. *No locality shall sell, at public or private sale, exchange, lease as lessor, mortgage, pledge, subordinate interest in, or otherwise dispose of any real property interest, including easements, licenses, rights-of-way, or similar interests across publicly owned land, for the purpose of allowing (i) electric transmission or distribution facilities, (ii) public utility infrastructure, (iii) data center operations or supporting utility infrastructure, or (iv) any commercial or industrial facility, unless a public hearing is first held in accordance with the notice and hearing requirements set forth in § 15.2-2204.*

Such public hearing shall include a disclosure of the proposed use, anticipated impacts to the community and environment, and any alternative locations considered by the governing body. No vote on any action intended to dispose of any real property interest may be taken until public comment is received.

D. A city or town may also acquire real property for a public use outside its boundaries; a county may acquire real property for a public use outside its boundaries when expressly authorized by law.

~~D.~~ E. A locality may construct, insure, and equip buildings, structures and other improvements on real property owned or leased by it.

E. F. A locality may operate, maintain, and regulate the use of its real property or may contract with other persons to do so.

Notwithstanding any contrary provision of law, general or special, no locality providing access and opportunity to use its real property, whether improved or unimproved, may deny equal access or a fair opportunity to use such real property to, or otherwise discriminate against, the Boy Scouts of America or the Girl Scouts of the USA. Nothing in this paragraph shall be construed to require any locality to sponsor the Boy Scouts of America or the Girl Scouts of the USA, or to exempt any such groups from local policies governing access to and use of a locality's real property. The provisions of this paragraph applicable to a locality shall also apply equally to any local governmental entity, including a department, agency, or authority.

~~F.~~ G. This section shall not be construed to deprive the resident judge or judges of the right to control the use of the courthouse.

59 ~~G. H.~~ "Public use" as used in this section shall have the same meaning as in § 1-219.1.

60 **§ 15.2-1813. Notice when public hearing required.**

61 ~~Any~~ Except as otherwise provided, any public hearing required by this chapter shall be advertised once in
62 a newspaper having general circulation in the locality at least seven days prior to the date set for the hearing.

63 **§ 15.2-2109. Powers of localities as to public utilities and computer services; prevention of pollution**
64 **of certain water.**

65 A. Any locality may (i) acquire or otherwise obtain control of or (ii) establish, maintain, operate, extend
66 and enlarge: waterworks, sewerage, gas works (natural or manufactured), electric plants, public mass
67 transportation systems, stormwater management systems and other public utilities within or outside the limits
68 of the locality and may acquire within or outside its limits in accordance with § 15.2-1800 whatever land may
69 be necessary for acquiring, locating, establishing, maintaining, operating, extending or enlarging waterworks,
70 sewerage, gas works (natural or manufactured), electric plants, public mass transportation systems,
71 stormwater management systems and other public utilities, and the rights-of-way, rails, pipes, poles, conduits
72 or wires connected therewith, or any of the fixtures or appurtenances thereof. As required by subsection ~~C~~ D
73 of § 15.2-1800, this section expressly authorizes a county to acquire real property for a public use outside its
74 boundaries.

75 The locality may also prevent the pollution of water and injury to waterworks for which purpose its
76 jurisdiction shall extend to five miles beyond the locality. It may make, erect and construct, within or near its
77 boundaries, drains, sewers and public ducts and acquire within or outside the locality in accordance with
78 § 15.2-1800 so much land as may be necessary to make, erect, construct, operate and maintain any of the
79 works or plants mentioned in this section.

80 In the exercise of the powers granted by this section, localities shall be subject to the provisions of
81 § 25.1-102 to the same extent as are corporations. The provisions of this section shall not be construed to
82 confer upon any locality the power of eminent domain with respect to any public utility owned or operated by
83 any other political subdivision of this Commonwealth. The provisions of this section shall not be construed to
84 exempt localities from the provisions of Chapters 20 (§ 46.2-2000 et seq.), 22 (§ 46.2-2200 et seq.) and 23
85 (§ 46.2-2300 et seq.) of Title 46.2.

86 B. A locality may not (i) acquire all of a public utility's facilities, equipment or appurtenances for the
87 production, transmission or distribution of natural or manufactured gas, or of electric power, within the limits
88 of such locality or (ii) take over or displace, in whole or in part, the utility services provided by such gas or
89 electric public utility to customers within the limits of such locality until after the acquisition is authorized by
90 a majority of the voters voting in a referendum held in accordance with the provisions of Article 5
91 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 in such locality on the question of whether or not such
92 facilities, equipment or appurtenances should be acquired or such services should be taken over or displaced;
93 however, the provisions of this subsection shall not apply to the use of energy generated from landfill gas in
94 the City of Lynchburg or Fairfax County. In no event, however, shall a locality be required to hold a
95 referendum in order to provide gas or electric service to its own facilities. Notwithstanding any provision of
96 this subsection, a locality may acquire public utility facilities or provide services to customers of a public
97 utility with the consent of the public utility. No city or town which provided electric service as of January 1,
98 1994, shall be required to hold such a referendum prior to the acquisition of a public utility's facilities,
99 equipment or appurtenances used for the production, transmission or distribution of electric power or to the
100 provision of services to customers of a public utility. Nothing in this subsection shall be deemed to (a) create
101 a property right or property interest or (b) affect or impair any existing property right or property interest of a
102 public utility.

103 C. The City of Bristol is authorized to provide computer services as defined in § 18.2-152.2. "Computer
104 services" as used in this section shall specifically not include the communications link between the host
105 computer and any person or entity other than (i) such locality's departments, offices, boards, commissions,
106 agencies or other governmental divisions or entities or (ii) an adjoining locality's departments, offices, boards,
107 commissions, agencies or other governmental divisions or entities.